IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.21581 of 1997
DATED 8-2-2007

BETWEEN
M.Vijayakumar

..
Petitioner

And

The Authoity under Section 20 of
Minimum Wages Act, Visakhapatnam-cum-
Assistant Commissioner of Labour,
Circle-II, Visakhapatnam and another.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.21581 of 1997

ORDER:

Aggrieved by the order of the 1st respondent, in M.W.M.P.No.89 of 1997 in M.W.No.189 of 1997 dated 2.8.1997, the employer has approached this Court.

The 2nd respondent filed a claim under Section 20(2) of the Minimum Wages Act, 1948 (for short 'the Act') claiming an amount of Rs.1,53,991.50 ps. The

first proviso to Section 20(2) of the Act requires any claim under Section 20 to be filed within six months from the date on which the minimum wages are payable. The second proviso enables an application, under Section 20, to be admitted even after the period of six months, if the applicant satisfies the authority that he had sufficient cause for not making the application within such period. The second proviso to section 20(2) requires two conditions to be complied with - i) sufficient cause to be shown by the applicant for not making the application within the period prescribed and ii) the authority to be satisfied that there was sufficient cause for the applicant in not making the application within the stipulated period.

In the present case, the delay in filing the application is five and half years. While the applicant sought for condonation of the delay, the petitioner herein contested the matter. The 1st respondent, while taking note of Section 20(2) of the Act, observed that it is always better to decide a case on merits rather to disallow it on simple technicalities. The impugned order was passed contrary to the statutory requirements under the Minimum Wages Act. Not only was the 2nd respondent required to show cause for the delay in filing the application, the 1st respondent was also required to record his satisfaction that the 2nd respondent had sufficient cause in not making the

application within the stipulated time limit.

In **Micro Raj Electronics Pvt. Ltd., v. Authority under Minimum Wages Act-cum-Joint Commissioner of Labour**[1] this Court observed that the authority is vested with the power to condone the delay when the applications are made beyond the limitation prescribed under Section 20 of the act. At the same time, the burden is cast on the applicant to satisfy the Authority that there was sufficient cause for not making the application in time and equally the authority is required to satisfy itself that the applicant had sufficient cause. This Court held that these statutory requirements were required to be complied with and the authorities were bound to record their satisfaction.

In view of non-compliance of the second proviso to Section 20(2) of the Act, the impugned order is quashed. The matter is remanded to the 1st respondent with a direction that the application seeking condonation of delay be heard afresh after putting both the parties on notice and appropriate orders be passed thereon. The entire exercise in this regard shall be completed within a period of three months.

The writ petition is allowed. However, in the circumstances without costs.

RAMESH RANGANATHAN,J

Dated: 8.2.2007
msv.

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[1] 1996(1) ALD 224